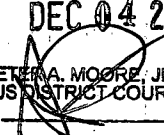


FROM: 30881009
TO: ISM (Mail Room, R&D)
SUBJECT: ***Request to Staff*** CAPONE, FREDDIE, Reg# 30881009, BUF-D-B
DATE: 11/29/2020 12:05:19 PM

To: US District Court Eastern District Raleigh NC
Inmate Work Assignment: UNICOR

US District Court
Eastern District
Raleigh NC

Re: Capone vs. Butner (Proposed Case Caption)
Freddie Capone, Inmate
30881009
Butner Low Security Correctional Institution (LSCI)
Motion To Expunge Extra-Judicial Error

FILED
DEC 04 2020
PETERA. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

Freddie Capone now comes to the court seeking relief and ruling to expunge material error caused by Butner LSCI ("LSCI") on Mr. Capone's "Sentence Computation Data Form As of 3-26-2019" form as input by the administration of LSCI, which has caused a downgrade in his security classification, barring him from certain benefits delineated in "The First Step Act of 2018" ("FSA").

Mr. Capone and the United States US Attorney, Cody Hilland, entered into a Plea Agreement filed on or about June 29, 2018 in the trial court in the Eastern District of Arkansas with the following relevant terms:

"1. GUILTY PLEA: The defendant will enter a plea of guilty to a conspiracy to possess with intent to distribute methamphetamine, in violation of title 21 of the United States Code, Section 846, as set forth in Count One of the Superseding Indictment. The United States agrees to move for dismissal of the remaining counts against defendant in this matter upon acceptance of the guilty plea. This is a Federal Rule of Criminal Procedure 11 (c)(1)(A) and (B) plea agreement."

Mr. Capone now directs the court to the enclosed "Sentence Monitoring Computation Data As of 3-26-2019" form, wherein LSCI and its agents added a charge beyond the referenced plea agreement with this stipulation:

"OFF/CHARGE: 21:46 AND 841 (A) (1) (A)." As the court will note, the addition of the 841 charge is material error and not contemplated nor stipulated in the pleas agreement and thus must be stricken from Mr. Capone's record. LSCI received the Capone BP 199 appeal for deletion of this error and has denied any further consideration as the court will note in this motion's exhibits. Accordingly, all internal remedies have been exhausted.

Mr. Capone refers the court to the following exhibits:

1. USA vs. Capone Plea Agreement
2. US Court Eastern District of Arkansas Criminal Docket for Case # 4:16-cr-00154-BSM-1
3. Sentence Monitoring Computation Data As of 3-26-2019
4. Regional Administrative Case 5:20-CT-3357-M dated April 9, 2020 and 5:20-CT-3357-M dated April 28, 2020

5. Capone BP 199 Central Office Administrative Remedy Appeal May 26, 2020

6. Individualized Needs Plan-Program Review 8-17-2020

7. Title 18 United States Code, Section 3632 (d)(4)(D)(IXvii)

Freddie Capone respectfully moves that the Court issue an Order to Butner Low Security Correctional Institution ("LSCI") to remove the errant reference of any and all charges related to Section 841 forthwith and restore Mr. Capone to his rightfully agreed security status

By: Freddie Capone
Inmate 30881009

Date: 11-29-2020

Freddie Capone